

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

JOHN B., CARRIE G., JOSHUA M., MEAGAN A. )  
and ERICA A., by their next friend L.A.; )  
DUSTIN P., by his next friend, Linda C.; )  
BAYLI S. by her next friend, C.W.; )  
JAMES D. by his next friend, Susan H.; )  
ELSIE H. by her next friend Stacy Miller; )  
JULIAN C. by his next friend, Shawn C.; )  
TROY D. by his next friend, T.W.; )  
RAY M. by his next friend, P.D.; )  
ROSCOE W. by his next friend, K.B.; )  
JACOB R. by his next friend, Kim R.; )  
JUSTIN S. by his next friend, Diane P.; and )  
ESTEL W. by his next friend, E.D.; )  
individually and on behalf of all others )  
similarly situated, )

Plaintiffs, )

v. )

No. 3-98-0168

M. DAVID GOETZ, Jr., Commissioner, Tennessee )  
Department of Finance and Administration; )  
DARIN GORDON, Assistant Commissioner, )  
Bureau of TennCare; and VIOLA P. MILLER, )  
Commissioner, Tennessee Department of )  
Children's Services, )

Defendants. )

Judge Haynes

**PROTECTIVE ORDER REGARDING INFORMATION PRODUCED BY MCCs  
TENNESSEE BEHAVIORAL HEALTH, INC & PREMIER BEHAVIORAL  
SYSTEMS OF TENNESSEE, LLC**

On October 10, 2007, the Court entered an Order (Ct. Doc. 1029) wherein MCCs Tennessee Behavioral Health, Inc. and Premier Behavioral Systems of Tennessee, LLC ("BHOs") were to provide certain electronically stored information ("ESI") subject to the search protocol contained therein. On December 13, 2007, upon motion of MCC

Preferred Health Partnership of Tennessee, Inc. ("PHP") (Ct. Doc. 1133), the Court entered an Order (Ct. Doc. 1134) creating and more specifically defining the protection afforded to PHP as it relates to their ESI production -- most notably individually-identifiable private health information ("PHI"). Upon review by the Court, it is determined that the same or similar PHI is likely to be included in ESI produced by BHO under the protocols of the Court's October 10, 2007 Order (Ct. Doc. 1029) as is likely to be included in ESI produced by PHP. As such, the Court finds the protections afforded to PHP under the December 13, 2007 Order should be extended to cover ESI produced by BHOs.

It is therefore ORDERED, ADJUDGED AND DECREED that Plaintiffs' counsel and their agents are restricted in their use of any confidential information obtained from BHOs pursuant to the October 10 and November 30, 2007 Orders (Ct. Docs. 1029 and 1116) strictly for the purposes of effectuating their representation of the Plaintiff class in this matter, and the procedures set forth in the Court's November 30, 2007 Order (Ct. Doc. 1116) for handling and, where applicable, return or destruction of records produced by BHOs, shall also be followed for purposes of this Order.

Dated this 9<sup>th</sup> day of April, 2008

  
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Judge William Haynes